

APPLICANT(S): TRAININ, Solomon B. et al.
SERIAL NO.: 10/811,906
FILED: March 30, 2004
Page 2

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-32 are pending in the application. Claims 1-32 have been rejected.

Remarks to the Specification

The Office Action requested that Applicants add a "Summary of the Invention" description to the application. However, Applicants would like to kindly point out that both the MPEP and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention." They merely indicate where in the application the "Summary of the Invention" should be placed. 37 C.F.R. §1.73 only states that a "Summary of the Invention" should or may be included. It does not state "must" or "shall." Accordingly, Applicants have elected not to include a "Summary of the Invention" as this is within the discretion and right of the Applicants.

Applicants wish to thank the Examiner for pointing out the specification layout guidelines. However, Applicants have elected not to amend the "arrangement of the specification" at this point.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 3-10, 12-17, 19-22, 24-28 and 30-32 under 35 U.S.C. § 102(e), as being anticipated by US Patent Number 7,106,803 to Hsu. (hereinafter "Hsu").

APPLICANT(S): TRAININ, Solomon B. et al.
SERIAL NO.: 10/811,906
FILED: March 30, 2004
Page 3

Applicants respectfully traverse the rejections of claims 1, 3-10, 12-17, 19-22, 24-28 and 30-32 in view of the remarks that follow.

As is well established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element of the claim being rejected. Applicants respectfully submit that Iisu does not teach or suggest all elements of claims 1, 3-10, 12-17, 19-22, 24-28 and 30-32.

Applicants' independent claims 1, 17, 22 and 27 includes, inter alia, "a physical layer controller able to configure a communication device to operate in a mode of communication selected from a first communication mode, in which a physical layer of the communication device is configured to receive transmissions of a first modulation type, a second communication mode, in which the physical layer is configured to receive transmissions of a second modulation type, and an autodetection mode, in which the communication device is able to automatically detect whether an incoming transmission is of the first modulation type or the second modulation type".

Applicants' independent claims 9 and 27 includes, inter alia, "configuring a communication device to operate in a mode of communication selected from a first communication mode, in which a physical layer of the communication device is configured to receive transmissions of a first modulation type, a second communication mode, in which the physical layer is configured to receive transmissions of a second modulation type, and an autodetection mode, in which the communication device is able to automatically detect whether an incoming transmission is of the first modulation type or the second modulation type".

Iisu discloses at column 2 lines 50-64 a transmit processor as follows:

"This processor and method utilizes packet header generation unit capable of generating a header portion of an outbound data packet, PSK modulation capable of PSK modulating the header portion at a first effective throughput and PSK modulating outbound data at a second effective throughput to form a PSK modulated payload (in which the second effective throughput is at least five times the first effective throughput), symbol modulation capable of symbol modulating the

APPLICANT(S): TRAININ, Solomon B. et al.
SERIAL NO.: 10/811,906
FILED: March 30, 2004
Page 4

outbound data at a third effective throughput to form a symbol modulated payload (in which the third effective throughput being less than the second effective throughput), and modulation selection capable of selecting one of the PSK modulated payload and the symbol modulated payload to form a payload portion of the outbound data packet" (emphasis added).

Hsu further discloses at column 3 lines 5-19, a receive processor, as follows:

"The first demodulation pathway, including the Barker correlator 330, down sampler 335, Rake 340 and the down sampler 345 is used to recover a despread 1 MHz signal representing the preamble and header portions of the inbound frame or data packet for symbol demodulation by the combination DBPSK/DQPSK demodulator 375. This first demodulation pathway demodulator combination 375 is also used for symbol decoding a base 802.11 PLCP frame payload in 1 Mbps/2 Mbps modes. The second demodulation pathway is used to symbol demodulate a high rate 802.11b payload portion of the inbound frame as well as the 22 Mbps DQPSK mode modulated payload for an inbound 22 Mbps compatible data packet, and includes a 22 MHz to 11 MHz down sampler 350 following by a decision feedback equalizer 355." (emphasis added).

Applicants respectfully assert that Hsu is silent, however, in general as to "configuring a communication device to operate in a mode of communication selected from a first communication mode, in which a physical layer of the communication device is configured to receive transmissions of a first modulation type, a second communication mode, in which the physical layer is configured to receive transmissions of a second modulation type, and an autodetection mode, in which the communication device is able to automatically detect whether an incoming transmission is of the first modulation type or the second modulation type" as recited in paraphrase by claims 1, 9, 17, 22 and 27.

Applicants therefore assert that independent claims 1, 9, 17, 22 and 27 are allowable over Hsu. Each of dependent claims 3-8, 10, 12-16, 19-21, 24-26, 28 and 30-32 depends, directly or indirectly, from one of independent claims 1, 9, 17, 22 and 27, and includes all the features of the claim from which it depends as well as additional distinguishing features, and

APPLICANT(S): TRAININ, Solomon B. et al.
SERIAL NO.: 10/811,906
FILED: March 30, 2004
Page 5

is therefore allowable. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3-10, 12-17, 19-22, 24-28 and 30-32 under 35 U.S.C. § 102(e).

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 2, 11, 18, 23 and 29 under 35 U.S.C. §103(a) as being unpatentable over Hsu in view of publication No. 2007/0118742 to Abhishek et al. (hereinafter "Abhishek").

As discussed above, amended independent claims 1, 9, 17, 22 and 27 are patentable over Hsu. Abhishek does not cure the deficiencies of Hsu. Each of dependent claims 2, 11, 18, 23 and 29 depends, directly or indirectly, from one of independent claims 1, 9, 17, 22 and 27, and includes all the features of the claim from which it depends as well as additional distinguishing features, and is therefore allowable.

In view of the above, Applicants respectfully request that the rejections under 35 U.S.C. §103(a) of dependent claims 2, 11, 18, 23 and 29 be withdrawn.

CONCLUSION

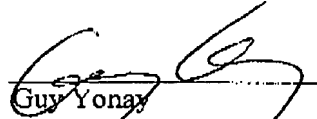
In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

APPLICANT(S): TRAININ, Solomon B. et al.
SERIAL NO.: 10/811,906
FILED: March 30, 2004
Page 6

No fees are believed to be due associated with this paper. However, if any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,


Guy Yonay
Attorney/Agent for Applicant(s)
Registration No. 52,388

Dated: September 24, 2007

Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801